

R315. Environmental Quality, Solid and Hazardous Waste.
R315-17. End of Life Automotive Mercury Switch Removal Standards.

R315-17-1. Purpose

(a) The purpose of this rule is to provide for the administration of the Mercury Switch Removal Act, Utah Code Annotated 19-6-1001, et seq.

(b) The Mercury Switch Removal Act and this Rule require the removal of mercury switches from vehicles that have reached the end of their useful life.

R315-17-2. Applicability.

This rule applies to:

- (a) manufacturers of vehicles sold in the State of Utah;
- (b) vehicles that may contain one or more mercury switches;
- (c) mercury switches; and
- (d) persons removing mercury switches from vehicles.

R315-17-3. Definitions.

Terms used in this rule are defined in Utah Code Annotated 19-6-1002.

R315-17-4. Mercury Switch Collection Plan.

(a) Manufacturers of any vehicle sold within the State of Utah shall submit a plan individually or in cooperation with other manufacturers to the Executive Secretary of the Utah Solid and Hazardous Waste Control Board for review and approval by January 15, 2007. This submission shall be accompanied by a filing fee as established by the legislature in the Department of Environmental Quality fee schedule. The Executive Secretary shall bill the responsible party for review of plans submitted to meet the requirements of this Rule.

(b) The Executive Secretary shall review and approve or disapprove the submitted plan based on the requirements outlined in R315-17-4(d). If the plan is not approved, the Executive Secretary shall provide comments to the manufacturer within 60 days of submission of the plan. The manufacturer shall address all comments from the Executive Secretary and submit an amended plan within 90 days after the Executive Secretary provides comments on the unapproved plan.

(c) A manufacturer shall ensure that plan implementation occurs by July 1, 2007.

(d) The mercury switch collection plan shall include:

- (1) The make, model, and year of any vehicle, including current and anticipated future production models, sold by a manufacturer that may contain one or more mercury switches;
- (2) The description and location of each mercury switch for each make, model, and year of vehicle;
- (3) Procedures for the prompt reimbursement by a manufacturer of costs incurred by a person removing and collecting mercury switches without regard to the date on which the mercury switch is removed and collected;
- (4) Information addressing safe and environmentally sound methods for mercury switch removal and information about hazards related to mercury and the proper handling of mercury;
- (5) Methods for the storage and disposal of mercury switches, including packaging and shipping of mercury switches to an authorized recycling, storage, or disposal facility; and

(6) Procedures for the transfer of information among persons involved with the plan to comply with reporting requirements.

(e) If a manufacturer does not know or is uncertain about whether or not a switch contains mercury, the plan shall presume that the switch contains mercury.

R315-17-5 Mercury Switch Removal Costs

(a) Manufacturers shall implement procedures for the prompt reimbursement of costs incurred by a person removing and collecting mercury switches without regard to the date on which the mercury switch is removed and collected.

(b) To ensure that the costs of removal and collection of mercury switches are not borne by any other person, the manufacturers of vehicles sold in the state shall pay:

(1) A minimum of \$5 for each mercury switch removed by a person as partial compensation for the labor and other costs incurred in removing the mercury switch;

(2) The cost of packaging necessary to store or transport mercury switches to recycling, storage, or disposal facilities;

(3) The cost of shipping mercury switches to recycling, storage, or disposal facilities;

(4) The cost of recycling, storage, or disposal of mercury switches;

(5) The cost of the preparation and distribution of educational materials; and

(6) The cost of maintaining all appropriate record keeping systems.

R315-17-6. Public Participation.

The Executive Secretary shall also provide public notice, a public comment period, and public hearing(s) for each proposed Mercury Switch Collection Plan in accordance with R315-4-1.10 through R315-4-1.12 and R315-4-1.17.

R315-17-7. Plan Amendments.

The Executive Secretary may require a manufacturer to modify the plan at any time upon finding that an approved plan as implemented has failed to meet the requirements of this rule.

R315-17-8. Reporting Requirements.

(a) Each manufacturer that is required to implement a mercury switch collection plan shall submit, either individually or in cooperation with other manufacturers, an annual report on the plan's implementation to the Executive Secretary by October 1 of each year, beginning in 2008.

(b) The annual report shall include:

- (1) The number of mercury switches collected;
- (2) The number of mercury switches for which the manufacturer has provided reimbursement;
- (3) A description of the successes and failures of the plan;
- (4) A discussion of how the failures of the plan have been or will be corrected; and
- (5) A statement detailing the costs required to implement the plan.

R315-17-9. Penalties.

In accordance with 19-6-1006, a manufacturer who fails to submit, modify, or implement a plan according to R315 may be subject to a civil penalty of not more than \$1,000 per day per violation.

R315-17-10. Administrative Proceedings.

Administrative proceedings under the Mercury Switch Removal Act and this Rule shall be conducted in accordance with R315-12.

KEY: hazardous waste

Date of Enactment or Last Substantive Amendment:

December 1, 2006

Authorizing and Implemented or Interpreted Law: 9-6-1003